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October 28, 2016

Via ECF

Hon. Andrew L. Carter, Jr.
United States District Judge
United States District Court
Southern District of New York
40 Centre Street
New York, NY 10007

Re: *Hernandez, et al. v. The Fresh Diet Inc., et al.*; 15 CV 01338 (ALC)(JLC)

Dear Judge Carter:

We represent Plaintiffs in the above-referenced action. We write on behalf of Plaintiffs and Defendant Innovative Food Holdings, Inc., in accordance with the Court's September 19, 2016 Order (Docket No. 75) directing the parties to file a joint status report by October 28, 2016, concerning the proceedings before Magistrate Judge Cott.

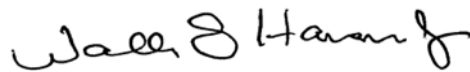
Pursuant to the same Order, Plaintiffs filed their Fourth Amended Complaint, and the parties await the outcome of the proceedings before Judge Cott between the individual defendants and their former counsel to determine which parties will appear going forward and whether they will appear by counsel or *pro se*.

The Court conference scheduled for October 26, 2016, was adjourned to November 15, 2016, at which time Magistrate Judge Cott will hear testimony from Kaufman Doluwich & Voluck, LLP ("KDV") attorneys and the individual defendants. Both Plaintiffs and the non-KDV-represented Defendants are excluded from the hearing and will not be participating.

Innovative Food Holdings, Inc. intends to move to dismiss the Fourth Amended Complaint at the appropriate time.

Thank you for Your Honor's time and attention to this matter.

Respectfully submitted,



Walker G. Harman, Jr.

cc: David J. Sack (via ECF)
 Jeffrey A. Meyer, Esq. (via email)

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